In the

SUPREME COURT OF MISSOURI

En Banc

Report of the Office of the Chief Disciplinary Counsel for the year 2024 together with the Financial Report of the Treasurer of the Advisory Committee Fund for 2024

LAURA E. ELSBURY
Chief Disciplinary Counsel

IN THE

SUPREME COURT OF MISSOURI

EN BANC

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REPORT OF THE OFFICE OF CHIEF DISCIPLINARY COUNSEL FOR THE YEAR 2024 TOGETHER WITH THE FINANCIAL REPORT OF THE TREASURER OF THE ADVISORY COMMITTEE FUND FOR 2024

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To the Honorable Judges of The Supreme Court:

Comes now the Office of Chief Disciplinary Counsel, and respectfully reports to the Court on matters concluded during calendar year 2024 or pending on December 31, 2024.

I.

THE FOLLOWING DISCIPLINARY ACTIONS WERE TAKEN BY THE COURT DURING 2024 BASED ON PROCEEDINGS PROSECUTED BY THE OFFICE OF CHIEF DISCIPLINARY COUNSEL[1]

AGRON, TODD N., Kansas City, MO, Missouri Bar #56698

Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of twelve months: Violation of Rules 4-5.3, 4-7.2(c), 4-8.1(a), 4-8.4(c), 4-8.4(d), and 4-9.1(b). Date of Opinion and Mandate: December 27, 2024.

BROWN, TYLER E., Kansas City, MO, Missouri Bar #73358

Interim suspension from the practice of law pursuant to provisions of Rule 5.21. Date of Order: October 28, 2024.

CRUMP, JAMES TURNER, Rolla, MO, Missouri Bar #45999

Disbarment: Violation of Rules 4-1.7(a), 4-1.8(a), 4-1.15(a), 4-1.15(a)(6), 4-1.15(a)(7), 4-1.15(b), 4-1.15(c), 4-8.4(c), and 4-8.4(d). Date of Opinion and Mandate: June 6, 2024.

FARCHMIN, DOUGLAS CHARLES, Overland Park, KS, Missouri Bar #61840

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: April 15, 2024.

HAWKINS JR., MARVIN KARL, Kirkwood, MO, Missouri Bar #53963

Default suspension from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-1.3 and 4-1.4. Date of Order: July 9, 2024.

KORT, ALLISON GREER, Kansas City, MO, Missouri Bar #70512

Suspension, suspension stayed, placed on probation for three years: Violation of Rules 4-1.1, 4-1.3, 4-3.4(c), and 4-8.1(c). Date of Order: April 2, 2024.

LAVERENTZ, SCHUYLER GEORGE, West Plains, MO, Missouri Bar #56892

Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of two years: Violation of Rules 4-1.15, 4-5.3, 4-8.1(a), 4-8.4, and 4-8.4(c). Date of Order: January 30, 2024.

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[1] Often there are attorneys with the same or similar names. It is important to note the bar number and location of the individual.

MARSHALL, MARK STEPHEN, St. Louis, MO, Missouri Bar #40515

Disbarment: Rule 5.21 (Criminal Conviction). Date of Order: January 30, 2024.

MERTA, CHELSEA KAY, St. Louis, MO, Missouri Bar #66876

Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-3.4(c), 4-8.4(c), and 4-8.4(d). Date of Order: March 13, 2024.

MILLER, KATHLEEN WOLF, Nevada, MO, Missouri Bar #56158

Default Disbarment: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-1.15, 4-1.15(d), 4-1.15(f), 4-1.16(d), 4-5.3, 4-8.1, 4-8.4(c), and 4-8.4(d). Date of Order: April 2, 2024.

NEILL, JOSEPH V., St. Louis, MO, Missouri Bar #28472

Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-1.7(a)(2), 4-8.4(d), and 4-8.4(g). Date of Opinion and Mandate: January 25, 2024.

NELSON, RICK L., St. Louis, MO, Missouri Bar #29544

Disbarment: Violation of Rules 4-1.3, 4-1.15(b), 4-1.15(c), 4-1.15(d), 4-1.15(f)(2), 4-1.15(f)(4), 4-1.15(f)(9), 4-1.16(d), 4-5.4(a), 4-7.2(c), 4-8.1(c), 4-8.4(c), and 4-8.4(d). Date of Order: October 1, 2024.

ROLLINS, JAMES THOMAS, Chicago, IL, Missouri Bar #70437

Disbarment: Rule 5.20 (Reciprocal – Illinois); Violation of Rule 4-8.4(c). Date of Order: March 5, 2024.

ROY, MARK ALLEN, Kansas City, MO, (now Grandview, MO), Missouri Bar #38299

Public Reprimand: Rule 5.20 (Reciprocal – Kansas); Violation of Rules 4-1.1, 4-1.3, 4-1.4(a), 4-1.15(b), 4-1.15(f), and 4-8.1(c). Date of Order: September 3, 2024.

SCANLON, CHARLES ROBERT, Chesterfield, MO, Missouri Bar #37338

Disbarment: Rule 5.20 (Reciprocal – Illinois); Violation of Rules 4-1.15(a) and 4-8.4(c). Date of Order: January 30, 2024.

STARK, CHRISTOPHER J., Springfield, MO, Missouri Bar #24570

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-1.15, 4-1.16, 4-3.2, 4-8.1, and 4-8.4. Date of Order: January 23, 2024.

WEBSTER, SPENCER JORDAN, Kansas City, MO, Missouri Bar #70728

Interim suspension from the practice of law pursuant to provisions of Rule 5.24. Date of Order: July 23, 2024.

WHITE, RICHARD FORREST, Kinder, LA, Missouri Bar #34509

Disbarment: Rule 5.20 (Reciprocal – Louisiana); Violation of Rules 4-1.3, 4-1.4, 4-1.16(d), 4-3.4(c), 4-8.1(c), and 4-8.4. Date of Order: January 30, 2024.

WHITE, TYLER, Hannibal, MO, Missouri Bar #69556

Interim suspension from the practice of law pursuant to provisions of Rule 5.23(b) and Rule 5.24. Date of Order: December 3, 2024.

WINNING, J. PATRICK, Chesterfield, MO, Missouri Bar #27050

Default Disbarment: Violation of Rules 4-1.3, 4-1.4, 4-1.8(h), 4-1.15(a), 4-1.15(a)(7), 4-1.15(f), and 4-8.1(c). Date of Order: July 22, 2024.

II.

THE FOLLOWING DISCIPLINARY ACTIONS WERE PENDING BEFORE THE COURT AT THE CLOSE OF 2024 BASED ON PROCEEDINGS PROSECUTED BY THE OFFICE OF CHIEF DISCIPLINARY COUNSEL

BEARDEN, JOVANNA RENE'E, Nevada, MO, Missouri Bar #60294

(Public Reprimand: Violation of Rules 4-1.1, 4-1.4(b), 4-1.5(a), 4-1.5(b), and 4-3.3. Date of Order: March 4, 2025.)

DENIGAN, JOSEPH E., St. Louis, MO, Missouri Bar #34348

(Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of six months: Rule 5.21 (Criminal Conviction). Date of Order: March 4, 2025.)

HOLLINGSWORTH, THOMAS EAGLETON, Hillsboro, MO, (now DeSoto, MO), Missouri Bar #54915

(Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-4.4(a), 4-8.4(c), and 4-8.4(d). Date of Order: January 14, 2025.)

MASON, JUSTIN LAMAR, St. Louis, MO, Missouri Bar #62571

(Disbarment: Violation of Rules 4-1.15(a), 4-1.15(a)(5), 4-1.15(a)(6), 4-1.15(a)(7), 4-1.15(d), 4-1.15(f), and 4-8.4(c). Date of Order: March 18, 2025.)

MCCARTY, RYAN CHRISTOPHER, Lee's Summit, MO, Missouri Bar #62943

(Pending.)

PETRUSKA, PAUL ERIC, Frontenac, MO, Missouri Bar #46922

(Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of three years: Violation of Rules 4-1.2(a), 4-1.3, 4-1.4, 4-3.3, and 4-8.4(c). Date of Opinion and Mandate: April 1, 2025.)

RAINES, JENNIFER BENEDICT, Independence, MO, Missouri Bar #44855

(Public Reprimand: Violation of Rules 4-1.4(b), 4-1.5(a), 4-1.5(b), and 4-3.3. Date of Order: March 4, 2025.)

ROSWOLD, JAMES MICHAEL, Kansas City, MO, Missouri Bar #41053

(Suspension, suspension stayed, placed on probation for two years: Violation of Rules 4-1.1, 4-1.3, 4-1.4, 4-8.4(a), and 4-8.4(c). Date of Order: May 27, 2025.)

SMALLWOOD, CLARENCE T., St. Louis, MO, Missouri Bar #41058

(Suspended from the practice of law and no petition for reinstatement shall be entertained by the Court for a period of six months: Violation of Rules 4-5.5(a), 4-5.5(b)(2), 4-8.4(c), and 4-8.4(d). Date of Order: March 18, 2025.)

III. REINSTATEMENT PROCEEDINGS

A. DISCIPLINARY MATTERS

At the beginning of the year, 14 Missouri lawyers who had previously been disciplined had applications for reinstatement pending for processing by the Office of Chief Disciplinary Counsel. During the year, eight additional applications for reinstatement were filed and referred to the OCDC for processing.

The OCDC processed a total of 22 disciplinary reinstatement applications during 2024. The status of those 22 applications is as follows:

Reinstated	**3**
Denied	**7**
Pending	**12**

Three Petitioners Were Reinstated By the Supreme Court

1. Jennifer H. Fisher, St. Louis, MO (now Bridgeton, MO), Missouri Bar #34360, reinstated on July 2, 2024, and placed on probation for a period of two years. Petitioner was suspended on September 21, 2021.

2. Richard Joseph Magee, St. Louis, MO, Missouri Bar #29943, reinstated on November 5, 2024, and placed on probation for a period of two years. Petitioner was suspended on November 1, 2022.

3. Efrain L. Sanchez, Wichita Falls, TX (now St. Petersburg, FL), Missouri Bar #63371, reinstated on January 30, 2024, and placed on probation for a period of two years. Petitioner was suspended on June 2, 2020.

Six Petitioners (in Seven Cases) Were Denied Reinstatement By the Supreme Court

1. Daniel S. Cornacchione, Sr., Missouri Bar #54935, denied reinstatement in Supreme Court Case No. SC100315 and Supreme Court Case No. SC100536. Petitioner was suspended on May 2, 2023.

2. Jason Richman Henry, Missouri Bar #52982, denied reinstatement. Petitioner was suspended on November 22, 2016.

3. Kimberley K. Kellogg, Missouri Bar #35614, denied reinstatement. Petitioner received an interim suspension on November 13, 2001, was suspended on October 4, 2002, and was disbarred on June 22, 2004.

4. Aaron Michael Klusmeyer, Missouri Bar #63006, denied reinstatement. Petitioner was suspended on January 31, 2023.

5. David Calvin Murdick, Missouri Bar #64049, denied reinstatement. Petitioner was disbarred on August 22, 2014.

6. Doc Netterville, IV, Missouri Bar #42383, denied reinstatement. Petitioner was suspended on May 22, 2018.

B. OTHER REINSTATEMENTS

Tax

Lawyers may be suspended pursuant to Rule 5.245 if they were delinquent on state tax or failed to file a tax return. During 2024, the OCDC investigated and processed 45 tax suspension applications for reinstatement. Twenty-seven were reinstated. Two applications were dismissed. Sixteen applications remained pending at the end of 2024.

Fee

Lawyers may be suspended automatically under Rule 6.01(f) for non-payment of annual enrollment fees. If their non-payment exceeds three years, they must apply for reinstatement under Rule 5.28. In 2024, the OCDC investigated and processed 16 applications for reinstatement by those lawyers. Eleven were reinstated. One application was denied. Four applications remained pending at the end of 2024.

MCLE

Lawyers may be suspended for non-compliance with Mandatory Continuing Legal Education requirements under Rule 15.06(f). During 2024, the OCDC investigated and processed 20 MCLE suspension applications for reinstatement. Eleven were reinstated. Three applications were denied. Six applications remained pending at the end of 2024.

Return to Active Status

Lawyers may elect to become inactive under Rule 6.03. Per Rule 6.06, the OCDC investigated and processed 106 inactive lawyers' applications for reinstatement. Eighty-seven were returned to active status. Fourteen applications were dismissed. Five applications remained pending at the end of 2024.

IV. COMPLAINTS RECEIVED IN 2024 AND ACTIONS THEREON

2,026 complaints of attorney misconduct were received in 2024. The following actions were taken on complaints received in 2024:

641 Formal Investigations opened
- ***385*** Cases investigated by Regional Disciplinary Committees
- ***256*** Cases investigated by OCDC

69 Cases placed in the OCDC's Informal Resolution Program [**See Paragraph A (below)*]

1,209 Investigations not opened *(In certain instances, OCDC does not open an investigation until after related litigation is completed.)*

93 Referred to Complaint Resolution Committee *(*See Missouri Bar Complaint Resolution Activity Report attached.)*

14 Placed in "Inquiry" status *(These cases were not opened but were monitored to determine whether an investigation should be opened in the future.)*

A. Informal Resolution Program

In this program, intake counsel assigns appropriate cases to a paralegal to contact the complainant, the respondent, or both, to assist in resolving the complaint rather than proceeding with a formal investigation. The program is used most often in response to complaints that the client has not had adequate communication from the lawyer or where the client has been unable to obtain file documents. It may also be used in a case where the complainant has trouble articulating the nature of the complaint, or seems confused about the lawyer's responsibilities or the legal process. The program has been successful in reducing complaint processing time while preserving the attorney/client relationship. Most cases in the program were resolved without opening an investigation.

B. Advisory Committee Review

Rule 5.11 permits complainants to seek review by the Advisory Committee in cases in which the OCDC or a Regional Disciplinary Committee investigated and found insufficient probable cause to believe that an attorney was guilty of professional misconduct that would justify discipline. In 2024, 28 complainants requested review.

The Advisory Committee upheld the findings on 13 of these files and issued a guidance letter to three lawyers. The Committee assigned one of the review files for further investigation. Eleven of these review files were pending with the Committee at the end of the year.

C. Fee Disputes

The Missouri Bar continues to provide a fee dispute resolution program. This program is valuable to lawyers and legal consumers by providing a forum for fee-related complaints to be addressed through a non-disciplinary structure. During the year, 43 complainants were referred to the Fee Dispute Committee as appropriate.

D. Overdraft Notification

In 2010, the Supreme Court amended the Rules of Professional Conduct to require financial institutions holding lawyer trust accounts to notify the OCDC in cases where the trust account is overdrawn. In 2024, the OCDC received 45 overdraft notifications. Many of these involved negligent or careless management of trust accounts, which were often handled by education and follow-up monitoring without discipline. Some overdrafts were more serious, either by scope of the problem or by the intention of the attorney. Various levels of discipline were necessary in these matters in order to protect the public and the integrity of the profession.

V. DISCIPLINE ACTION INITIATED

A. Admonitions

The OCDC administered 49 written admonitions and the Regional Disciplinary Committees administered 42 written admonitions to Missouri lawyers. (Total: 91 admonitions). In addition, 82 guidance letters were sent to lawyers by OCDC and the Regional Committees. Guidance letters are not disciplinary action, but are used to educate the attorney on ethical responsibilities or to alert the attorney that a particular course of conduct, if unchecked in the future, may cause additional complaints to be filed.

B. Investigation Summary

Region[2]	Investigations Pending 1/1/24	Investigations Opened in 2024	Investigations Completed in 2024
IV	79	90	87
X	70	116	118
XI	39	46	68
XV	58	109	91
OCDC	66	244	199

Region	Admonitions Issued in 2024	Guidance Letters Issued in 2024
IV	7	11
X	16	8
XI	12	9
XV	7	18
OCDC	49	36

[2] The geographical jurisdiction represented by the numerical Region designation is as follows: Region IV – judicial circuits 7, 16, and 17; Region X – judicial circuits 11, 21, and 23; Region XI – judicial circuit 22; and Region XV – Texas County in judicial circuit 25, Laclede County in judicial circuit 26, and judicial circuits 28, 29, 30, 31, 37, 38, 39, 44, and 46.

C. Filed Hearing Matters

FILING INFORMATIONS

In 2024, the OCDC and the Regional Disciplinary Committees filed Informations (the formal charging document) on 85 files. "Files" indicate individual complaints against attorneys. An Information against one attorney may include charges involving multiple files.

Fifteen Informations, representing 37 complaint files, were pending before the Advisory Committee and Disciplinary Hearing Panels at the beginning of 2024. Disciplinary Hearing Panels conducted 12 hearings involving 21 files. Three default Informations were filed directly in the Supreme Court.

D. Cases filed at the Supreme Court

RULE 5.19

In 2024, two disciplinary hearing panel decisions were approved by the Missouri Supreme Court, pursuant to Rule 5.19(a), without requirement of briefing and argument.

Informant's briefs were filed in the Supreme Court in eight cases. Of those eight cases, four were heard because the Informant did not concur in a DHP's recommended sanction (pursuant to Rule 5.19(b)), one was heard because neither party concurred in a DHP's recommended sanction (pursuant to Rule 5.19(b)), and three were heard when the Court rejected the DHP's recommended sanction (Rule 5.19(c)). Five disciplinary cases appeared on the Court's oral argument calendar in 2024.

RULE 5.20

Two reciprocal discipline cases, based on adjudication of misconduct in other jurisdictions, were filed in 2024: *In re Rollins*, SC100404 and *In re Roy*, SC100648.

RULE 5.21

During 2024, one Information was filed under Rule 5.21(b) against an attorney who was subject to an interim suspension pending the final disposition of criminal charges: *In re Brown,* SC100798.

During 2024, Informations were filed under Rule 5.21(g) against two attorneys whose criminal cases were finally disposed but who had not previously been suspended on an interim basis: *In re Denigan*, SC100890 and *In re Farchmin*, SC100508.

RULE 5.23

In 2024, an Information was filed under Rule 5.23(b) against one attorney based on the inability to competently represent the interest of clients by reason of physical or mental condition: *In re White*, SC100863.

RULE 5.24

Two Informations requesting interim suspension for substantial threat of irreparable harm were filed in 2024: *In re Webster*, SC100624 and *In re White*, SC100863.

VI. LAWYER MONITORING

OCDC staff monitor lawyers' practices in four circumstances, all intended to improve the lawyers' likelihood of maintaining a successful practice and protecting the public. In 2024, the office monitored nine lawyers in the disciplinary diversion program established by Rule 5.105. The diversion program was created to help offenders who have engaged in relatively minor rule violations, often involving practice management.

Fifteen lawyers were monitored in 2024 while on probation under Rule 5.175, the rule permitting probation for lawyers whose conduct did not warrant disbarment. Also, the office was asked by the Supreme Court of Missouri and the Missouri Board of Law Examiners in 2024 to monitor the practice of eight newly admitted lawyers. Finally, in 2024, the office monitored the practice of eight lawyers who were reinstated subject to an order of probation.

VII. UNAUTHORIZED PRACTICE OF LAW

The Office of Chief Disciplinary Counsel opened complaint files on 14 individuals and organizations alleged to have engaged in the unauthorized practice of law.

Some of these cases were referred to local prosecuting attorneys or to the Consumer Protection Division of the Missouri Attorney General's office. Others were resolved through communication with the company or individual.

Due to the workload and staff resources of OCDC, the office focused its efforts on conducting in-depth investigations in those cases where it appeared that widespread consumer fraud was occurring. Where appropriate, the office conducted investigations of complaints, and the office referred the materials to law enforcement for criminal prosecution as OCDC is only authorized to seek a civil injunction against a party for engaging in the unauthorized practice of law.

VIII. PRESENTATIONS BY OCDC STAFF

During 2024, OCDC staff gave presentations at Continuing Legal Education (CLE) seminars. The OCDC staff gave presentations to the following organizations: ALA Gateway Chapter; Bankruptcy Trustee Richard Fink; Bar Association of Metropolitan St. Louis; Bar Plan Mutual Insurance; Jasper County Bar Association; Kansas City Metropolitan Bar Association; Missouri Attorney General's Office; Missouri Division of Workers' Compensation; Mound City Bar Association; National Organization of Bar Counsel; Organization of Bar Investigators; OSCA – Presiding Judges Meeting; St. Joseph Bar Association; Springfield Metropolitan Bar Association;

Stange Law Firm; and University of Missouri – Kansas City School of Law. The OCDC staff also spoke at several Missouri Bar telephone CLEs and webinars.

IX. SIGNIFICANT ACTIVITIES IN 2024

Disciplinary Case Processing

The Supreme Court has established timeline standards for the disposition of pending cases that seek to complete 75 percent of investigations within six months and 90 percent of investigations within one year. The Court has also established a timeline standard for the initial determination whether or not to open an investigative file that seeks to have new complaints and reports reviewed within two weeks of receipt. The Chief Disciplinary Counsel makes quarterly reports to the Court regarding the system's performance against the disposition timeline standards and the initial determination timeline standard. During 2024, the OCDC and the disciplinary system did not meet the disposition timeline standard in any quarter. However, the OCDC did meet its initial determination timeline standard in all but the first quarter of 2024.

Law Practice Management Course

For the past several years, with the support and approval of the Supreme Court, the OCDC has worked with The Missouri Bar to present a comprehensive program to address the issues raised by the lack of law practice management skills among a few members of the Bar whose clients have repeatedly complained about them. This cooperative effort resulted in the development of a practice management course staffed by a distinguished faculty of lawyers. In 2024, the course was offered as a full-day, in person session. Roughly 16 lawyers were in attendance.

Staff Training

In 2024, the OCDC attorney staff participated in training by attending conferences offered by The Missouri Bar, the National Organization of Bar Counsel and the American Bar Association – Center for Professional Responsibility. Paralegals at the OCDC attended sessions and presented training through the Missouri Paralegal Association and the Organization of Bar Investigators, an organization affiliated with the National Organization of Bar Counsel.

SUMMARY OF DISCIPLINE ACTIONS

During 2024:

- **10** Ten lawyers were disbarred;

- **9** Nine lawyers were suspended; **one** of those suspensions was stayed and the attorney was placed on probation with conditions;

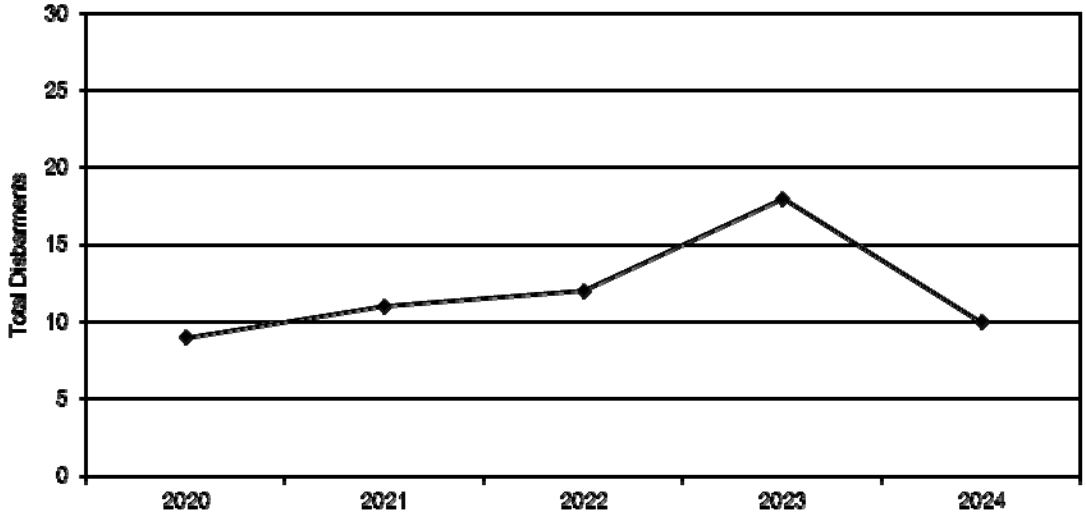
- **75** Seventy-five lawyers were suspended pursuant to Rule 5.245 (Failure to Pay tax);

- **1** One lawyer received a public reprimand; and

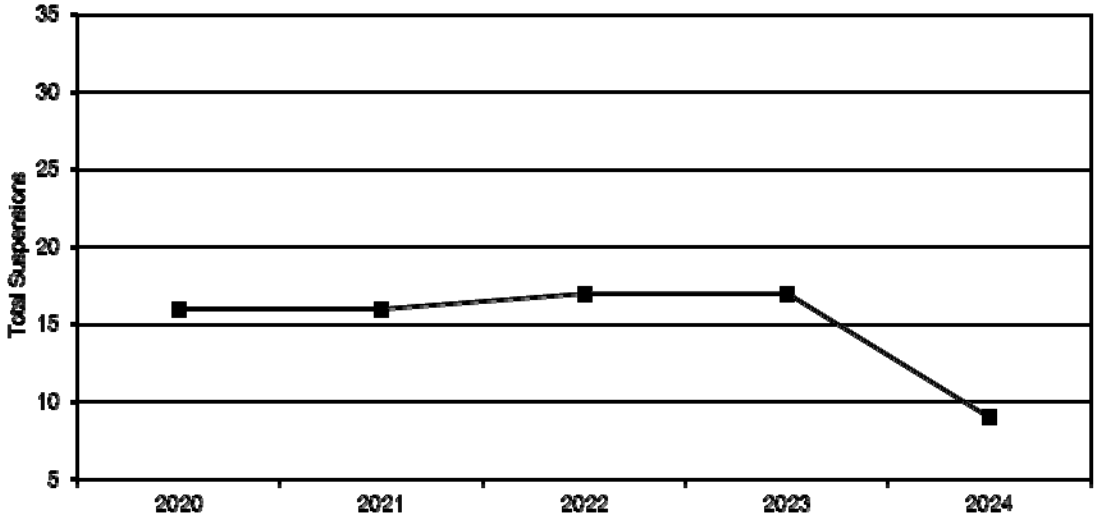
- **91** Ninety-one written admonitions were administered by the Regional Disciplinary Committees and the OCDC.

On occasion, other pending complaints against a lawyer are dismissed upon that lawyer's disbarment or suspension.

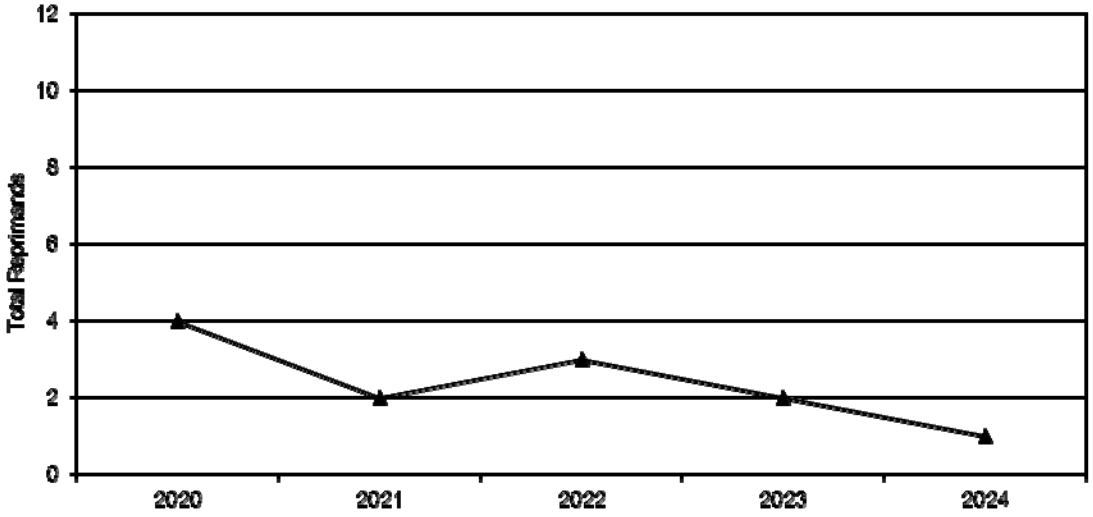
Disbarments



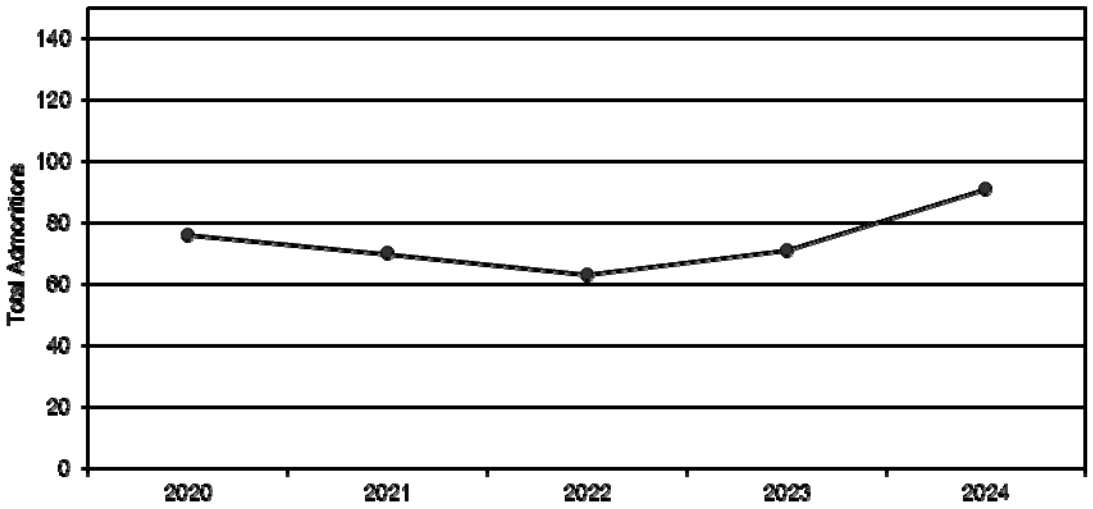
Suspensions

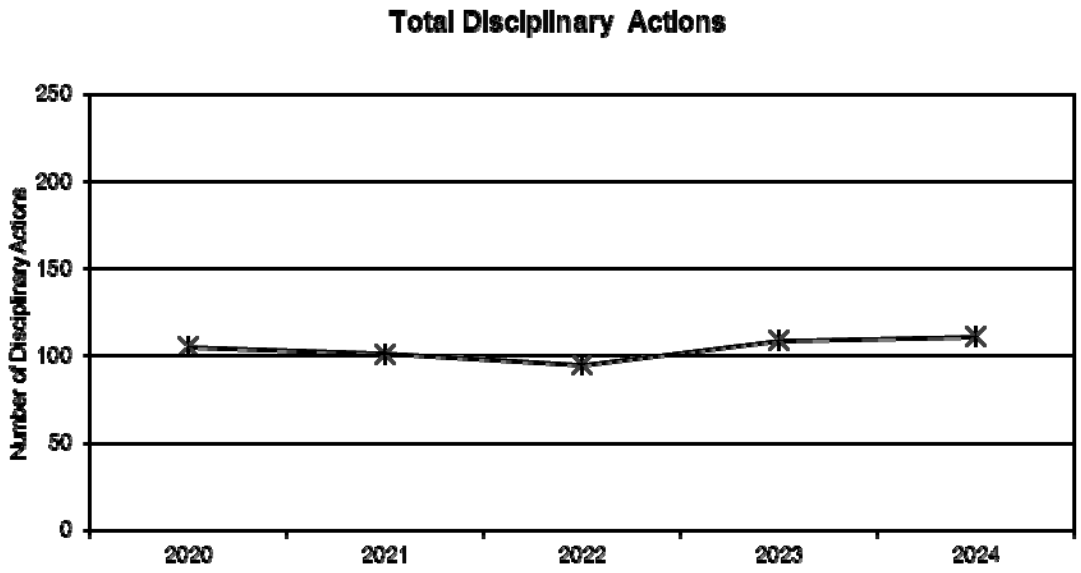


Reprimands



Admonitions





In 2024, there were a total of 111 disciplinary actions including admonitions and formal discipline matters.

The total number of complaints opened as formal investigations during 2024 was 641. The most common complaint areas are as follows:

NATURE OF VIOLATIONS *	NO.
Rule 4-1.4 (Communication)	379
Rule 4-1.3 (Diligence)	271
Rule 4-1.5 (Excessive Fees)	156
Rule 4-8.4(c) (Dishonesty, Fraud, Deceit, Misrepresentation)	137
Rule 4-1.16 (Improper Withdrawal)	102
Rule 4-1.15 (Safekeeping Property)	70
Rule 4-1.7 (Conflicts)	45
Rule 4-1.1 (Competence)	44
Rule 4-1.2 (Client Directives)	37
Rule 4-1.6 (Confidentiality)	32
Rule 4-3.4 (Obstruction/False Evidence)	26
Rule 4-3.3 (Truth to Tribunal)	25
Rule 4-5.5 (Unauthorized Practice)	17
Rule 4-4.2 (Communication with Person Represented by Counsel)	11
Rule 4-7.2 (Advertising)	11
Rule 4-4.1 (Truth to 3rd Persons)	10
Rule 4-8.4(b) (Criminal Activity)	10
Rule 4-8.4(g) (Bias)	10
Rule 4-5.3(b) (Supervisory Responsibility)	8
Rule 4-1.16(a)(2) (Incapacitated Lawyer)	4
Rule 4-1.14 (Diminished Capacity)	2
Rule 4-3.8 (Prosecutorial Responsibilities)	2
Rule 4-8.1(c) (Failure to Cooperate)	2
Rule 4-3.6 (Trial Publicity)	1
Rule 4-4.3 (Dealing with Unrepresented Person)	1
Rule 4-8.2 (Judicial and Legal Officials)	1

* Many complaints included more than one allegation.

The most prevalent practice areas which resulted in investigations are as follows:

AREA OF PRACTICE *	NO.
Domestic	143
Criminal	131
Litigation	99
Other	83
Estate/Probate	36
Torts	36
Real Property	31
Bankruptcy/Receivership	12
Administrative/Governmental	11
Workers Compensation	10
Immigration/Naturalization	9
Traffic	8
Juvenile	5
Guardianship	4
Landlord/Tenant	4
Collections	3
Civil Rights	2
Insurance	2
Commercial Law	1
Contracts	1
Labor Law	1

* Investigations involving trust account overdraft notifications made to the OCDC are not included in this tabulation.

Dated at the Office of Chief Disciplinary Counsel at Jefferson City, Missouri this 28th day of July, 2025.

Respectfully Submitted,

LAURA E. ELSBURY
Chief Disciplinary Counsel

LEGAL ETHICS COUNSEL ANNUAL REPORT FOR 2024

I. LEGAL ETHICS COUNSEL'S ROLE

A. Informal Advisory Opinions

Pursuant to Rule 5.30(c), the Legal Ethics Counsel issues nonbinding informal advisory opinions to members of the bar about Rules 4, 5, and 6.

The Office of Legal Ethics Counsel provided 1,001 oral informal advisory opinions via telephone. Many of these opinions involved multiple questions. Opinions given in conjunction with informal contact at bar meetings and CLE programs are generally not included in this count.

The Office of Legal Ethics Counsel provided 12 written informal advisory opinions.

The Advisory Committee authorized the publication of 13 new informal opinions. Pursuant to Rule 5.30, written summaries of select informal opinions provided by the Office of Legal Ethics Counsel are published for informational purposes for members of the bar. Informal opinions are advisory in nature and are not binding.

The Office of Legal Ethics Counsel is also conducting a comprehensive review of formerly published informal advisory opinions to ensure accuracy and relevance. This is an ongoing project.

B. CLE Presentations

The Legal Ethics Counsel prepared and gave 14 CLE presentations for various groups including: American Bar Association, National Organization of Bar Counsel, St. Joseph Bar Association, The Missouri Bar, Missouri Department of Social Services, and more. The Legal Ethics Counsel also moderated re-broadcasts of some of these CLE presentations.

II. ROLE OF THE LEGAL ETHICS COUNSEL TO THE ADVISORY COMMITTEE:

Rule 5.07(b) provides that the Legal Ethics Counsel shall serve as staff to the Advisory Committee.

A. Review Summaries

Pursuant to Rule 5.11, the Advisory Committee reviews investigation files if the OCDC or a Regional Disciplinary Committee finds no probable cause and the complainant requests review. The Office of Legal Ethics Counsel summarized and distributed 29 review files to the Advisory Committee.

B. Hearings

The Office of Legal Ethics Counsel assisted Disciplinary Hearing Officers, as requested, with arrangements for hearings.

The Legal Ethics Counsel administered the hearing process to assist the Chair of the Advisory Committee in accordance with Rule 5.1255. As part of this process, the Legal Ethics Counsel proposed hearing panels, provided the file to the hearing panel once the panel was approved by the Chair, monitored the progress of the hearing, and assisted the hearing officers with issues that arose during the course of the process. 23 Informations were filed in 2024.

Rule 5.16 provides, in part:

> (g) Review of Panel Decision for Compliance with Rule 5. The written decision of the disciplinary hearing panel shall be filed with the chair of the Advisory Committee. The chair shall review the panel's decision for the limited purpose of determining that the recommendation for discipline, if any, conforms to this Rule 5 and the sanctions established by the Court. If the chair of the Advisory Committee determines that the panel's recommendation does not conform, the chair shall direct the disciplinary hearing panel to reconsider its recommendation for discipline. After reconsideration, the panel shall file the revised written decision with the chair of the Advisory Committee.
>
> (h) Service of Panel Decision. The chair of the Advisory Committee shall serve the written decision of the disciplinary hearing panel by first class United States mail, postage prepaid, on the respondent or the respondent's counsel if represented, the counsel for the informant, and the Chief Disciplinary Counsel.

The Legal Ethics Counsel performed the majority of these duties on behalf of, and in consultation with, the Chair.

The Legal Ethics Counsel prepared and presented an extensive training program for disciplinary hearing officers and continually updates resources to assist disciplinary hearing officers.

C. Budget

The Legal Ethics Counsel prepared a proposed budget for the Advisory Committee and LEC office for 2025.

D. Meetings

The Office of Legal Ethics Counsel coordinated arrangements for regular Advisory Committee meetings. The Office of Legal Ethics Counsel prepared agendas, meeting materials and minutes for these meetings.

E. Formal Opinions

The Legal Ethics Counsel provided assistance to the Advisory Committee in relation to reviewing requests for formal opinions and possible appropriate topics for formal opinions in accordance with Rule 5.30(a).

F. Overdraft Reporting/Financial Institution Approval

Beginning January 1, 2010, Missouri attorneys were required to have their trust accounts at financial institutions "approved" by the Advisory Committee. In order to be approved, the financial institution must enter into an agreement to report insufficient funds situations that arise on attorneys' trust accounts to the Office of Chief Disciplinary Counsel. The Legal Ethics Counsel handled issues related to bank name changes, mergers, etc., as they relate to approved status. The Legal Ethics Counsel maintained a list of approved banks on the office website.

G. Updated Website

In 2023, the Office of Legal Ethics Counsel launched a fully revised website for the Office of Legal Ethics Counsel and Advisory Committee, www.mo-legal-ethics.org. Improvements continue to be made to that website, including the development of two additional resource pages to assist lawyers, The Ethics of Retirement, and Missouri Law License Categories; Unauthorized Practice of Law; Multijurisdictional Practice of Law. Additionally, complainants may now file requests for review with the Advisory Committee of lawyer complaint files that have been closed by the Office of Chief Disciplinary Counsel or a regional disciplinary committee pursuant to Rule 5.11 through

the website at https://mo-legal-ethics.org/information-for-the-public/request-for-review-pursuant-rule-5-11b/.

H. Other matters

The Legal Ethics Counsel wrote articles for publication in the *Journal of the Missouri Bar*. Additionally, the Legal Ethics Counsel served on the Planning Committee for The Missouri Bar's Solo & Small Firm Conference.